

CHAPTER 11 ADMINISTRATIVE PROCEDURES

[Prior to 4/20/88, Regents, Board of(720)]

681—11.1(262) Organization.

11.1(1) *President.* The president of the board of regents is elected by the board from its members at the May meeting in even-numbered years for a two-year term and until a successor is elected and qualified. If a vacancy occurs in the office prior to the end of the regular term, the board elects a president to fill out the unexpired term.

11.1(2) *Duties of the president.* The duties of the president include presiding at all meetings of the board, appointing members of all special committees with the consent of the board of regents, executing, with the executive director, such instruments and contracts as may be ordered by the board, and performing such other duties as may be assigned by the board.

11.1(3) *Executive director.* The executive director is elected by the board. The duties of the executive director include recording proceedings of the board, preserving the documents and records of the board, providing a meeting agenda to the board, administering the board office, providing such staff work as may be necessary to assist the board in its planning and decision making, participating in budget preparation and presentation to the board, maintaining liaison between the board and other state agencies, providing information to the general assembly and the public, participating in the preparation and completion of matters relating to financing of capital improvements, and such other duties as may be assigned by the board.

Agendas containing matters to be brought before the board together with supporting material will be assembled by the executive director. Such agendas will be indexed and included in a binder for easy reference. Each institution will prepare its own portion of the agenda and forward same, with necessary supporting material, to the executive director at least ten days prior to the date a board meeting is scheduled. Assembled agendas will be mailed to members of the board by the executive director at least six days prior to any scheduled meeting.

The agenda of board meetings will be made available to students, faculty, staff, and the general public through the board office and the public information offices at each institution prior to the board meeting at which the agenda is to be considered.

11.1(4) *Submissions and requests.* Inquiries, submissions, petitions, and other requests directed to the board of regents may be made by letter addressed to the Executive Director, Board of Regents, Old Historical Building, Des Moines, Iowa 50319.

Any person may petition for a written or oral hearing before the board. All requests for a hearing must be in writing and state the specific subject to be discussed and the reasons why a personal appearance is necessary if one is requested.

Students, faculty, and other employees of institutions under the control of the board must route their petitions through the chief executive officer of the institution concerned. The chief executive officer will forward the petition, with the chief executive officer's comments, to the executive director of the board. The executive director of the board will place the item on the agenda for consideration by the board.

All other persons may request hearings by written petition directly to the executive director of the board. The executive director shall cause the subject matter of the petition to be investigated and make a written report to the board. The executive director of the board will place the item on the agenda for consideration by the board.

If the board grants a hearing, it shall be conducted in the manner prescribed by the board. The board may decide to grant a written hearing, an oral hearing, or both.

11.1(5) *Rulemaking.* The board of regents adopts rules having general application to the institutions subject to its governance. The president of each institution is delegated the authority to adopt such rules as may be appropriate to the operation of the individual institution and which are not incon-

sistent with the general rules adopted by the board. The board of regents retains the authority to rescind any such institutional rule.

11.1(6) Meetings. The board meets regularly once each month except one month in the summer. The schedule of meetings is available from the executive director at the address given in 11.1(4). The advance schedule of meetings is shown in each monthly agenda that is distributed to the press and the public at the board meeting. The meeting schedule, generally set for about six months, indicates at which regent institution the meeting will be held and the date(s) of the meeting. Formal notification is given to the press about a week prior to each monthly board meeting.

Six members of the board shall constitute a quorum. The number of votes required to constitute a majority for a given purpose shall be a majority of those present, assuming a quorum. Except where otherwise required by statute or these rules, the board shall conduct its meetings according to Robert's Rules of Order.

11.1(7) General role and scope of regent institutions. The universities under the control of the board of regents, State University of Iowa, Iowa State University, and the University of Northern Iowa, strive to offer diversified and high quality programs of undergraduate and postgraduate study at reasonable cost to a major segment of those seeking postsecondary education in this state. Educational programs are designed to allow the individual student a wide range of subject selection and the greatest freedom to fulfill potentialities in pursuit of knowledge and in preparation for a role in society.

These universities are the primary Iowa training ground for the professions including medical doctors, dentists, pharmacists, nurses, lawyers, veterinarians, educators, architects, agriculturists, engineers and others who will achieve advanced degrees in various fields of the arts and sciences. The state universities are deeply committed to research which expands knowledge and benefits society. They make educational programs and the results of research available through extension services and will offer services to the public appropriate to the role of each university.

General role and scope of the two specialized schools under the board of regents, Iowa School for the Deaf and Iowa Braille and Sight Saving School, are to provide residential, educational, and training programs for the blind and the deaf through grade 12.

The board of regents is the policymaking body representing the citizens of Iowa. It establishes goals and monitors progress toward those goals to ensure that the institutions under its governance accomplish their mission.

11.1(8) Committees. The board of regents has established interinstitutional committees of professional educators drawn from the institutions and staff under its governance. Their function is to advise the board on matters related to development of policy, and to ensure cooperation among the several institutions, and promote efficiency of operation.

The committees include the committee on educational coordination, the registrar's committee on coordination, the subcommittee on library coordination, the information committee, the regent committee on educational relations, the state extension and continuing education council, the committee on equal employment opportunity, the coordinating council for international studies, and the regent advisory committees on Iowa School for the Deaf and Iowa Braille and Sight Saving School.

This rule is intended to implement Iowa Code section 262.12.

681—11.2(262) Petition regarding rules.

11.2(1) Petition. A petition for the promulgation, amendment, or repeal of a board rule may be submitted to the board by any person. Each such petition shall contain a statement setting forth the text of the rule or proposed rule in question and, in the case of a petition for amendment, the rule as it would read with the proposed amendment, together with a concise statement of the reasons supporting the granting of the petition.

11.2(2) Disposition. A petition regarding a rule should be received by the executive director not less than 20 days before the board meeting at which it is to be considered. The executive director shall schedule consideration of a petition regarding a rule at the next regular board meeting occurring more

than 20 days after the petition is received and will notify the petitioner in writing of the board's disposition of the petition not more than 60 days after receipt of the petition.

681—11.3(262) Petition for declaratory ruling.

11.3(1) *Petition.* If there is a disagreement regarding the interpretation or applicability of a statutory provision, board rule or other board statement of law or policy, board decision or order of the board, between the executive director, the president of an institution or their respective designees and a person whose rights or interests are affected by such statute, rule, decision or order, the person so affected may petition the board for a declaratory ruling. Each such petition shall describe the facts or circumstances giving rise to the request for a ruling, shall contain the text or a citation of the statute, rule, statement of law or policy, decision or order to which the petition relates, and shall specify the action requested. The board may request additional information as needed.

11.3(2) *Disposition.* A petition for a declaratory ruling should be received by the executive director not less than 20 days before the board meeting at which it is to be considered. The executive director shall schedule consideration of a petition for a declaratory ruling at the next regular board meeting occurring more than 20 days after the petition is received. The board has discretion to determine that a declaratory ruling is inappropriate under the circumstances presented by the petition. The executive director will notify the petitioner in writing of the board's disposition of the petition not more than 60 days after the petition is received.

681—11.4(262) Rule adoption—opportunity for oral presentation. When a timely request for making an oral presentation in regard to a rule is presented to the board as provided by section 17A.4, the executive director will set a time and place for the presentation. The time will be not less than 20 days after notice is published in the Iowa Administrative Bulletin. The notice will state whom the executive director has designated to conduct the presentation, the subject matter, and location.

Persons in charge of public hearings may in their discretion announce and invoke any or all of the following rules for the orderly conduct and the proper decorum for holding of public hearings:

1. Request that those present sign an attendance roll giving their names and addresses and representative status, if any;
2. Request that those requesting to make oral presentations, including those entitled to make oral presentations, sign a roster, giving their names and addresses and representative status, if any;
3. Permit oral presentations from anyone present or by a spokesperson for those present, including those not otherwise entitled to make an oral presentation;
4. Limit individual oral presentations to a fixed time;
5. Fix the time for the entire public hearing;
6. Establish and amend the agenda and the order of oral presentations;
7. Cause unruly or disorderly persons to be ejected;
8. Make and enforce other reasonable regulations for the good order and the proper decorum for the conduct of the public hearing.

681—11.5(262) Contested cases.

11.5(1) *Informal settlement.* Parties are encouraged to request informal settlement of a controversy which could culminate in a contested case as defined in Iowa Code section 17A.2. The request should be made by letter to the executive director, setting forth a concise statement of the circumstances giving rise to the controversy, the text of or citation to any applicable law, board rule, or decision, and a statement of the settlement proposed. A request for informal settlement should be received by the executive director not less than 15 days before the board meeting at which it is to be considered. The executive director shall schedule consideration of the request at the next regular board meeting occurring more than 15 days after the petition is received. Not more than ten days after the board meeting at which the request is scheduled for consideration, the executive director will notify the petitioner

in writing of the board's disposition of the request. If the board determines that a conference is appropriate, the party will be notified when, where, and with whom such a conference is to be held. The terms of any informal settlement agreed to by the parties shall be embodied in a written stipulation.

11.5(2) *Administrative law judges.* In each contested case in which chapter 17A requires an evidentiary hearing, the president of the board will determine whether the hearing shall be held before the board, one or more members of the board, or an administrative law judge.

11.5(3) *Decision and appeal.* A decision or proposed decision in a contested case shall be in writing and shall be delivered to all parties by first-class mail. In a contested case in which the hearing is held before the board, the decision of the board is final. In a contested case in which the hearing is held before an administrative law judge or a panel of board members constituting less than a quorum of the board, the administrative law judge or panel shall render a proposed decision which shall become the final decision of the board 15 days after mailing of the proposed decision, unless prior to that time a party submits an appeal from, or a board member requests a review of the proposed decision. Notice of an appeal from or a board member's request for review of a proposed decision shall be mailed to all parties by the executive director. Within 15 days after mailing of a notice of appeal or of a request for review, any party may submit to the board (in an original and ten copies) exceptions to and a brief in support or opposition to the proposed decision, copies of which exceptions or brief shall be mailed by the submitting party to all other parties to the proceeding. The executive director shall notify the parties if the board deems oral arguments by the parties to be appropriate. The executive director will schedule review of the proposed decision at the next board meeting occurring not less than 30 days after mailing of the notice of appeal or request for review.

11.5(4) *Subpoenas—administration of oath.* Subpoenas for the production of books, papers, and other real evidence may be issued pursuant to section 17A.13 in the name of the agency by the executive director or designee prior to the commencement of a contested case proceeding. After the commencement of such proceeding, the presiding officer, as defined in section 17A.11 has the authority to administer oaths and to issue subpoenas as provided in section 17A.13.

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